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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, FEBRUARY 17, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC960111

Ex Parte: In the matter of  
investigating whether Bell  
Atlantic-Virginia, Inc. meets  
the requirements of § 271 of the  
Telecommunications Act of 1996

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC000035

Ex Parte: In the matter of third-  
party testing of Operation Support  
Systems for Bell Atlantic-Virginia,  
Inc.

ORDER INITIATING TESTING, ASSIGNING PROJECT LEADER AND CALLING  
FOR PROPOSED MASTER TEST PLAN AND PERFORMANCE STANDARDS TO BE  
DEVELOPED BY KPMG PEAT MARWICK

In response to the Motion filed October 21, 1999, by Bell  
Atlantic-Virginia, Inc. ("BA-VA") supporting initiation of  
third-party testing of its Operation Support Systems ("OSS") and  
the Preliminary Order of November 2, 1999, comments have been  
filed by eight entities.<sup>1</sup>

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<sup>1</sup> Comments were filed on or before November 19, 1999, by Network Access  
Solutions ("NAS"), Covad Communications Company ("Covad"), Cavalier  
Telephone, LLC ("Cavalier"), CFW Network Inc. ("CFW"), Telecommunications

The comments of NAS, Covad, CFW, TRA, AT&T, Cox, and MCI generally support BA-VA's Motion to commence third-party testing of BA-VA's OSS, using KPMG Peat Marwick ("KPMG"). Both CFW and Cavalier state that BA-VA's OSS are not working to meet present CLEC demand for unbundled network elements.<sup>2</sup> Cavalier submits that any third-party OSS testing, by KPMG or any other person, is premature and unwarranted.

#### Third-Party Testing Initiated

We are of the opinion that delaying third-party testing would not foster the development of competition in the provision of local exchange services. Rather, it is our expectation that third-party testing of BA-VA's OSS will provide a "vehicle" to help clear the many ordering and provisioning obstacles allegedly faced by CLECs. Thus, the Commission regards the proposed third-party testing not just as a means for BA-VA to overcome a federal regulatory hurdle to achieve in-region long distance authority but also as a laboratory to test, develop, and implement solutions. This will require the full cooperation of all parties.<sup>3</sup> We find KPMG should conduct this testing. A

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Reseller's Association ("TRA"), AT&T Communications of Virginia, Inc. ("AT&T"), Cox Virginia Telcom, Inc. ("Cox"), and MCI WorldCom, Inc. ("MCI").

<sup>2</sup> Cavalier relies upon its complaint against BA-VA, now pending, for documentation of its assertion.

<sup>3</sup> Competitive Local Exchange Companies ("CLECs") will be called upon to participate by the Project Leader as provided later in this Order.

contract between BA-VA, KPMG, and the Commission will be executed that engages KPMG to perform the testing.

OSS Testing Docketed

Case No. PUC960111 was established on August 12, 1996, by our Order Requiring Report, to receive from BA-VA the evidence and documentation supporting BA-VA's application to the Federal Communications Commission ("FCC"), pursuant to 47 U.S.C. § 271. Such report was directed to be filed at least sixty (60) days prior to BA-VA's filing its § 271 application with the FCC. We established this docket and directed the filing of this material to aid us in complying with our statutory obligation of consulting with the FCC on Bell Atlantic's application to the FCC.<sup>4</sup>

The Commission finds that for administrative purposes its consideration of third-party OSS testing, which will support only a portion of the § 271 application, should be docketed in a separate proceeding as captioned above in Case No. PUC000035. The results of the OSS testing, together with all other supporting documentation, may then be filed in Case No. PUC960111 in compliance with the Order Requiring Report issued August 12, 1996.

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<sup>4</sup> 47 U.S.C. § 271(d)(2)(B) provides for the FCC's consultation with any State that is the subject of the application in order to verify the compliance of the Bell operating company with the requirements of subsection (c).

### Filing and Approval of Master Test Plan and Performance Standards

The Commission finds that KPMG should prepare a draft Master Test Plan for comprehensive third-party testing of BA-VA's OSS and deliver it to the Project Leader named hereinbelow.<sup>5</sup> We recognize that third-party testing of BA-VA's OSS ultimately requires a set of standards by which to measure BA-VA's performance. Therefore, the Commission finds that KPMG should also prepare and deliver to the Project Leader a draft set of Performance Standards ("metrics") by which BA-VA's performance is to be evaluated by KPMG.<sup>6</sup>

### Project Leader Designated

The Commission designates Alexander F. Skirpan as Project Leader with authority delegated to adopt a Master Test Plan and Performance Standards for testing purposes, after reviewing the proposals and comments filed by interested persons as provided below, and to supervise and resolve disputes arising during the third-party testing of BA-VA's OSS. Mr. Skirpan shall act as our agent and be delegated all authority vested in the Commission by the Constitution and Code of Virginia to direct the testing and to arbitrate resolution of disputes during the

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<sup>5</sup> KPMG should deliver both a hard copy and an electronic copy (for ultimate posting on the Commission's Web Site) of its proposed Master Test Plan.

<sup>6</sup> An electronic copy should also be provided for ultimate posting on the Commission's Web Site.

proceeding. The determinations made by Mr. Skirpan as our agent in the third-party testing of BA-VA's OSS shall be binding on the parties, the same as if explicitly ordered herein.

#### Comments by Interested Persons

The Project Leader should distribute for comment copies of KPMG's proposed Master Test Plan and Performance Standards to all local exchange companies certificated in Virginia and, upon request, shall make copies of same available to any other interested party. Within twenty-one (21) days following the Project Leader's distribution of the proposed Master Test Plan and Performance Standards, any person, business entity, or association may file comments thereon including but not limited to: (a) whether the draft Master Test Plan and Performance Standards are consistent with the requirements of § 271 of the Telecommunications Act of 1996; and (b) whether they are sufficient to measure BA-VA's Virginia-specific OSS operations. Comments may include proposed changes to the draft Performance Standards to cure deficiencies specified in the comments.

#### Notice of Intent to Participate

Whether or not interested persons or entities file comments as provided above, they shall be required to file in Case No. PUC000035 their Notice of Intent to Participate in order to participate in this docket. Said notice shall include the participant's name, phone and fax numbers, mailing address, and

an e-mail address where pleadings and orders may be received, if available.

#### Initial Meeting of CLECs

Representatives of all CLECs interested in participating in the third-party testing of BA-VA's OSS should attend a meeting to be convened by the Project Leader on Friday, March 3, 2000, at 10:00 a.m. in the Commission's courtroom, located on the second floor, Tyler Building, 1300 East Main Street, Richmond, Virginia<sup>7</sup>. Interested parties may attend in person or may make timely arrangements with the Project Leader to participate by telephone.

#### Confidential Treatment

All participating CLECs are directed to provide forecasted data to the Project Leader as he may request from time to time. The Project Leader is directed to keep any such forecasted data received from participating CLECs segregated from other papers. Said forecasted data shall be deemed to be confidential and proprietary, and such information shall only be used in aggregate forms so as to prevent the forecasted data from being identified with specific CLECs.

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<sup>7</sup> While CLECs are specifically requested to participate, any interested person or entity may attend meetings called by the Project Leader.

### Report to the Commission

At the conclusion of the third-party testing of BA-VA's OSS, KPMG is directed to produce a report to the Commission. This report by KPMG will be distributed to all interested parties by the Project Leader. Within twenty-one (21) days following distribution of the KPMG report, interested parties may file an original and fifteen (15) copies of their comments with the Project Leader. The Project Leader is then directed to provide this Commission with his final report on the third-party testing of BA-VA's OSS.

### Final Report Considered In Case No. PUC960111

The Project Leader's final report will be considered by the Commission in the context of further proceedings in Case No. PUC960111. The Commission, in fulfillment of its duty to consult with the FCC, will then consider whether, in its opinion, BA-VA's Operation Support Systems meet the demands for the development of competition in the provision of local exchange services in the Commonwealth of Virginia.

Accordingly, IT IS ORDERED THAT:

(1) The third-party testing of Operation Support Systems for Bell Atlantic-Virginia, Inc., is hereby docketed as Case No. PUC000035.

(2) KPMG is hereby designated to conduct this testing and is authorized to prepare a proposed draft Master Test Plan and Performance Standards in accordance with the findings above.

(3) Alexander F. Skirpan is hereby made an agent of this Commission in accordance with the above findings and is appointed to supervise the third-party testing of BA-VA's OSS, as the designated Project Leader, and to resolve disputes arising therefrom.

(4) Within twenty-one (21) days following the distribution of the draft Master Test Plan and Performance Standards, interested persons as described above are granted leave to file their comments in accordance with the findings above. All interested persons shall file a Notice of Intent to Participate in the form prescribed above.

(5) The Project Leader is directed and authorized to convene such meetings and receive such reports as are necessary in his discretion to manage the third-party testing of BA-VA's OSS.

(6) KPMG is directed to forward its final report to the Project Leader; and the Project Leader, after receiving comments as provided in ordering paragraph (7), shall make his final report to the Commission, all in accordance with the findings above.



(7) All interested parties are hereby granted leave to file comments within twenty-one (21) days following distribution of the KPMG report, in accordance with the findings above.

(8) This matter is continued until further order of the Commission.